IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 26573 of 2005

Between:

1. P.Moshe, s/o Ramaiah,
   r/o Koppolu (V), Ongole (M),

Prakasam District.

2. P.Koteswararao, s/o Moshe,
   r/o Koppolu (V), Ongole (M),

Prakasam District.

....PETITIONERS

AND

1. District Collector,

Prakasam District, Ongole.
and 4 others.

...RESPONDENTS

* * *

ORDER:

Questioning the action of the respondents in insisting the petitioners to vacate

the land an extent of Ac.0-75 cents in survey No.569 of Koppolu village, Ongole Mandal, Prakasam District, for inducting the 5th respondent into possession and consequently direct the respondents not to insist the petitioners to vacate from the said land otherwise than by due process of law, the present writ petition has been filed.

2. It is stated that the second petitioner purchased Ac.0-75 cents of the land in survey No.569 of Koppolu village of Ongole Mandal, Prakasam District, from the husband of 5th respondent and the name of the second petitioner was mutated in the revenue records and the 3rd respondent issued pattadar passbook and title deed for the said land in favour of the second respondent. After the death of the husband of 5th respondent, 5th respondent started interfering with the said land and therefore, petitioners herein filed O.S.No.769 of 2004 on the file of the Junior Civil Judge at Ongole, for grant of permanent injunction restraining the 5th respondent herein from interfering with their peaceful possession and enjoyment of the said property and the said suit is pending. Since the injunction application was dismissed against which an appeal is said to have been filed, I am not inclined to express any opinion as to the decision of the said property.

3. The only grievance of the petitioners is that without there being any offence committed by the petitioners and without there being any report or complaint filed either by the 5th respondent or by any other person against the petitioners, police are interfering with the civil disputes relating to the property in question.

4. Having regard to the facts and circumstances of the case, 4th respondent is directed not to interfere with the personal rights and liberty of the petitioners in the civil disputes without there being any complaint or report either by 5th respondent or by any other person alleging that the petitioners have committed a cognizable offence.

5. The writ petition is, accordingly, disposed of. No costs.

V.ESWARAIAH, J.

Date: 13th December 2005.

Note:

Issue CC by three days.

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BSB